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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,613	09/27/2001	Rik Sagar	US018141	4776

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EXAMINER

JABR, FADEY S

ART UNIT PAPER NUMBER

3639

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/966,613	Applicant(s) SAGAR, RIK	
	Examiner Fadey S. Jabr	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

Claims 1-25 remain pending and are again presented for examination.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 24 July 2006 has been entered.

Response to Amendment

2. The declaration filed on 24 July 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Sunyich reference.

3. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Sunyich reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The mere showing of an invention

Art Unit: 3639

disclosure form submitted to the assignee's patent department is insufficient to meet the requirements for due diligence.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sunyich, Pub. No. US2003/0149576 A1.

As per **Claim 1**, Sunyich discloses an automated booking system for guest accommodations, comprising:

- a guest accommodation which can be automatically booked by the system and used by the customer for a period of time (Para. 16, 17 and 21);
- a provider network of a guest accommodations reservation provider having a data base for customer preferences (Para. 8);
- reserving means for communication between a home network and the provider network for reserving the guest accommodations for a period of use (Para. 8);
- preference transmission means for transmitting customer preferences from a data base of the home network to the data base of the provider network (Para. 26-27);

- and means for accessing the provider data base for providing the accommodations depending on the customer preferences (Para. 21).

As per **Claim 2**, Sunyich further discloses a system in which the guest accommodations are selected from: a hotel room with hotel facilities, a guest office with office facilities, a rental car package, an airline seat package, a restaurant table package, and a train seat package (Para. 45, lines 14-20).

As per **Claim 3**, Sunyich further discloses a system in which the customer preferences include the configuration of the guest accommodations (Para. 14, lines 1-4).

As per **Claim 4**, Sunyich further discloses a system in which the customer preferences include preferences regarding the location of the guest accommodations with respect to features of the accommodations or the locations of accommodations of other guests (Para. 15, lines 1-15).

As per **Claim 5**, Sunyich further discloses system in which the customer preferences include user programmable settings of consumer appliances in the guest accommodations (Para. 16, 17).

As per **Claim 6**, Sunyich further discloses a system in which the customer preferences include preferred contents of a refrigerator in the guest accommodation (Para. 17, lines 3-5).

As per **Claim 7**, Sunyich further discloses a system in which the customer preferences include preferred food and food preparation equipment in the guest accommodations (Para. 17, lines 7-11).

As per **Claim 8**, Sunyich further discloses a system in which the customer preferences include meal preferences (Para. 17).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich, Pub. No. US2003/0149576 A1.

As per **Claims 9 and 10**, Sunyich fails to explicitly disclose customer preferences including preferred office equipment or supplies in the guest accommodations. However, Sunyich teaches a system in which the customer preferences include preferred environmental settings, food, lighting and internet connection (Para. 16, 17 and 45). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Sunyich and include preferences for preferred office equipment because it would provide the customer with an improved user-friendly system with greater convenience.

Art Unit: 3639

8. Claims **11-17, and 20-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich, Pub. No. US2003/0149576 A1 in view of Daum et al., Pub. No. US2003/0109938 A1.

As per **Claims 11 and 25**, Sunyich discloses an automated booking system for guest accommodations, comprising:

- a guest accommodation which can be automatically booked by the system and used by the customer for a period of time and which can be provided with guest appliances (Para. 16, 17 and 21);
- a network of an accommodations provider, the provider network having a data base, the guest appliances of the guest accommodations are connected to the provider network (Para. 21);
- reservation means in communication with a home network of a customer and the provider network for reserving the guest accommodations for a period of use (Para. 8, 26 and 27);
- settings transmission means for transmitting the user programmable settings of the home appliances of the customer to the provider data base (Para. 8); and
- means for downloading the user programmable settings from the provider data base into the guest appliances of the guest accommodations for programming the appliances of the guest accommodations at the time of the customer's use of the accommodations (Para. 8 and 21).

Nonetheless, Sunyich fails to disclose a system comprising a home network of a customer, the home network interconnecting home appliances having user programmable

Art Unit: 3639

settings. However, Daum et al. teaches a home network that transmits commands between a source and appliances (See Claim 1 of Daum et al). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Sunyich and include the preferences from the home network of the customer as taught by Daum et al. because it greatly improves the efficiency of the system by providing the user with convenience and a system that is user-friendly.

As per **Claims 12**, Sunyich fails to explicitly disclose a system in which settings for a plurality of the customer's home appliances are transmitted, stored and downloaded into corresponding appliances of the accommodations that have functions similar to the corresponding home appliances. However, Sunyich teaches a system that allows users to enter their preferred environmental preferences, and also discloses that the system would be appropriate in other lodging situations (Para. 8 and 45). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Sunyich and include the preferences from one's home network because it greatly improves the efficiency of the system by providing the user with convenience and a system that is user-friendly.

As per **Claim 13**, Sunyich further discloses a system in which the settings of a plurality of the customer's home appliances are analyzed to determine user programmable settings for appliances that are different from the customer's home appliances (Para. 15, lines 11-15).

As per **Claim 14-16**, Sunyich fails to disclose a system in which the home network includes a data base containing the user programmable settings of devices connected to the home network. However, Daum et al. teaches a database to control the programmable settings of the home network (Para. 34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Sunyich and include a database with programmable settings of the appliances as taught by Daum et al. because it greatly improves the efficiency of the system by providing the user with convenience and a system that is user-friendly.

As per **Claim 17**, Sunyich further discloses a system in which the external network includes one or more of: a cable television network, a telephone network, and the internet (Para. 19).

As per **Claim 20**, Sunyich further discloses a system in which the programmable settings include environmental settings selected from one or more of temperature, humidity, and light level settings (Para. 16).

As per **Claim 21**, Sunyich further discloses a system in which the programmable settings include a channel map for translating between sources of multimedia programming and means for selecting multimedia programming (Para. 16, lines 10-15).

As per **Claim 22**, Sunyich further discloses a system in which the means for selecting programming includes a plurality of buttons on a remote control and channel map allows the customer in the hotel room to use the same series of one or more remote control buttons to select a desired programming source as the series of buttons he uses in his home to select that source (Para. 16, lines 10-15).

As per **Claim 23**, Sunyich further discloses a system in which the programmable settings include settings of software of a personal computer of the hotel room (Para. 16, lines 14-15).

As per **Claim 24**, Sunyich further discloses a system in which the programmable settings include security settings including a security code of a room alarm system (Para. 15, line 10).

9. Claims **18 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sunyich, Pub. No. US2003/0149576 A1 in view of Daum et al., Pub. No. US2003/0109938 A1 as applied to claim 11 above, and further in view of Lee et al., U.S. Patent No. 4,899,373.

As per **Claims 18 and 19**, Sunyich fails to disclose in which the programmable settings include speed dial settings for dialing make telephone calls or a facsimile by pushing fewer buttons than the number of digits in corresponding phone numbers. However, Lee et al. teaches a database with a customer's programmed speed dials (Col. 1, lines 56-59). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the system of Sunyich and include preferences for programmable settings that include speed dialing

Art Unit: 3639

as taught by Daum et al. because it greatly improves the convenience of the system by providing the user with convenience and a system that is user-friendly.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadey S. Jabr whose telephone number is (571) 272-1516. The examiner can normally be reached on Mon. - Fri. 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fadey S Jabr
Examiner
Art Unit 3639

FSJ

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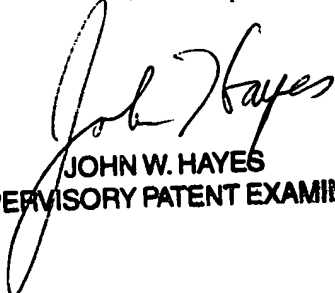
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Hand delivered responses should be brought to the Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER